

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

ERNEST PADILLA, PERSONAL REPRESENTATIVE  
OF THE ESTATE OF ROBERT DOTSON, DECEASED;  
KIMBERLY DOTSON,  
INDIVIDUALLY AND AS PARENT AND NEXT FRIEND  
OF JULIA  
DOTSON; AND ZACHARY-MORA DOTSON,

Case No. 1:23-cv-00790-MLG-KK

Plaintiffs,

vs.

CITY OF FARMINGTON, NEW MEXICO;  
DANIEL ESTRADA; DYLAN GOODLUCK;  
AND WAYLON WASSON

Defendants.

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**PLAINTIFFS' RESPONSE TO CITY DEFENDANTS' MOTION FOR PARTIAL  
SUMMARY JUDGMENT 1: DISMISSAL OF PLAINTIFF JULIA DOTSON AND  
ZACHARY MORA-DOTSON'S FOURTH AMENDMENT ILLEGAL SEIZURE  
CLAIMS AGAINST OFFICERS BASED ON THE APPLICATION OF QUALIFIED  
IMMUNITY**

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Plaintiffs, for their Response to City Defendants' Motion for Partial Summary Judgment 1: Dismissal of Plaintiff Julia Dotson and Zachary Mora-Dotson's Fourth Amendment Illegal Seizure Claims against Officers based on the Application of Qualified Immunity, state the following:

(1) Plaintiffs do not make a claim under 42 U.S.C Section 1983 for the detention and false imprisonment of the children, Julia Dotson and Zachary Mora-Dotson. These claims are brought

under the New Mexico Tort Claims Act as set forth in the Third Claim for Relief in Plaintiff's First Amended Original Complaint and under the New Mexico Civil Rights Act as set forth in the Second Claim For Relief in the Amended Complaint. Plaintiff's counsel has corresponded with counsel for the Defendants regarding this and has submitted a Stipulation. No response has yet been received from Defense counsel.

(2) The Motion for Summary judgment should be denied because no claim exists for which a Summary Judgment can be granted as requested in the Motion for Partial Summary Judgment.

Respectfully submitted,

**THE PERRIN LAW FIRM**

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**ATTORNEYS FOR PLAINTIFFS**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was forwarded to counsel for Defendants on this 5<sup>th</sup> day of March 2024, as stated below:

**VIA E-SERVICE**

Luis Robles

/s/Doug Perrin

Doug Perrin